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7 SCHENKER, INC.

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 SCHENKER, INC.,) CASE NO.: C 08 4182 (VRW)
12 Plaintiff,)
13 v.)
14 MOLLICOOLZ, LLC,)
15 Defendant.)
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1 COMES NOW PLAINTIFF, SCHENKER INC. ("plaintiff") and files this Notice of
2 Settlement and Request for 120 Day Conditional Dismissal as follows:

3 **NOTICE OF SETTLEMENT**

4 Plaintiff and defendant MOLLICOOLZ, LLC ("defendant") have agreed to settle this
5 lawsuit. The parties' settlement should be executed in full by January 2009.

6 **REQUEST FOR CONDITIONAL DISMISSAL**

7 Plaintiff requests the Court Order the case conditionally dismissed for 120 days to permit
8 the parties to execute their settlement (which is due to be funded completely by January 2009)
9 and to conserve judicial resources.

10 Dated: 3 November 2008

11 **LAW OFFICES OF GEORGE W. NOWELL**

12 By: _____ /s/ John H. Cigavic III _____

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14 JOHN H. CIGAVIC III
15 Attorneys for plaintiff
16 SCHENKER, INC.
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1 **[PROPOSED] ORDER**

2 GOOD CAUSE APPEARING in plaintiff SCHENKER INC.'s request for a 120 day
3 conditional dismissal:

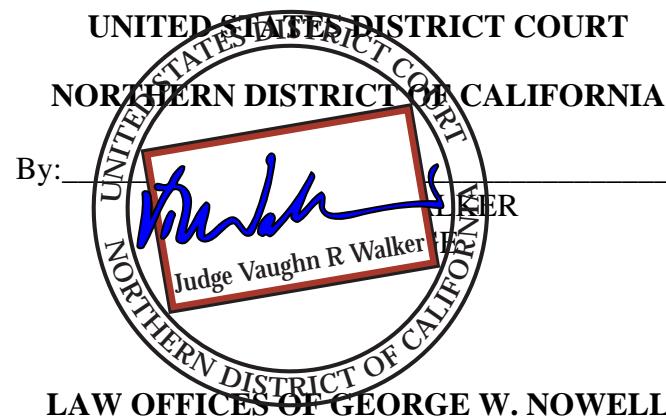
4 IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided,
5 however, that if any party hereto shall certify to this Court, within 120 days, with proof of
6 service of a copy thereon opposing counsel, that the agreed consideration for said settlement has
7 not been delivered over, the foregoing Order shall stand vacated and this case shall forthwith be
8 restored to the calendar to be set for trial.

9
10 IT IS SO ORDERED.

11
12 Dated: November 6, 2008

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14 Prepared by:

15
16 Dated: 3 November 2008



JOHN H. CIGAVIC III
Attorneys for plaintiff
SCHENKER, INC.

By: /s/ John H. Cigavic III